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Commonwealth of Virginia

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Regional Director

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
United States Department of Agriculture – US Forest Service
FOR
Grindstone Recreation Area Sewage Treatment Plant
VPDES Permit No. VA0022993**

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board (Board) and the United States Department of Agriculture – US Forest Service (Forest Service), regarding the Grindstone Recreation Area Sewage Treatment Plant (Facility or STP) located at the Mount Rogers National Recreation Area in the George Washington and Jefferson National Forests, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to the Forest Service on January 13, 2021.

SECTION B: Basis for Amendment

1. The Forest Service owns and operates the STP, located at the Mount Rogers National Recreation Area in Smyth County, Virginia. The Facility is a sewage treatment plant for the Grindstone Recreation Area. The Permit allows the Forest Service to discharge treated sewage and other municipal wastes from the Facility to Big Laurel Creek, in strict compliance with the terms and conditions of the Permit.
2. The State Water Control Board entered into the Order with the Forest Service, effective January 13, 2021, due to violations of permitted effluent limits, failure to

submit a complete permit application 180 days prior to expiration of the existing permit, failure to properly report all instances of noncompliance, and failure to properly operate and maintain all facilities and systems of treatment and control.

3. Item 2 of the Appendix A Schedule of Compliance (Schedule), contained within the Order, required completion of all repairs to the Facility's lower lagoon within sixty days of the effective date of the Order. Item 3 of the Schedule required reestablishment of the unit process associated with the lower lagoon in order to restore the full treatment capacity of the Facility within ninety days of the effective date of the Order. The Forest Service has not complied with these two requirements of the Order due to plans for replacement, rather than repair, of the Facility.
4. Item 4 of the Schedule required completion of a feasibility study for more efficient wastewater treatment system options to replace the existing lagoon system. On March 23, 2021, the Forest Service submitted a letter to DEQ requesting revisions to the Schedule in order to delay the deadline for completion of items 2 and 3 of the Schedule until after completion of the feasibility study. The Forest Service indicated that it expected the feasibility study to identify a viable replacement option for the existing STP. Via email on May 7, 2021, DEQ notified the Forest Service that the proposed delay in completion of items 2 and 3 was acceptable, provided no discharge violations occurred.
5. On August 11, 2021, the Forest Service submitted the feasibility study to DEQ. The feasibility study recommended a number of alternatives for collection system rehabilitation and STP replacement. The feasibility study also indicated that the existing lagoon system was not slated for decommissioning until such time that collection system inflow and infiltration issues are corrected and an alternate wastewater treatment system has been put into place. The feasibility study stated that, until such time that a new wastewater treatment system is in place, the Forest Service had eliminated all seasonal recreation area services that would normally discharge to the existing wastewater collection system, and a certified wastewater treatment operator had been contracted to oversee necessary Facility discharges resulting from inflow and infiltration.
6. On August 18, 2021, DEQ requested that the Forest Service submit additional information in order to aid in evaluation of the feasibility study and Forest Service compliance with the Order.
7. On September 30, 2021, DEQ received a written response from the Forest Service providing the requested information. The response stated that the Forest Service will continue to limit recreation area services to only those not contributing wastewater to the collection system and that qualified operators will be retained for necessary Facility discharges resulting from inflow and infiltration. The

response provided anticipated dates for completion of design and construction of the replacement wastewater treatment system, with final completion expected in 2025.

8. On October 28, 2021, DEQ conducted a site visit at the Grindstone Recreation Area and verified that recreation area services were limited to only those not contributing wastewater to the Facility, with signage clearly posted stating that no water, electricity, or dump station were available on site. The memorandum documenting the site visit also noted that all restrooms on site were found to be locked and that portable toilets were located in several areas throughout the recreation area.
9. During a December 13, 2021 telephone call between DEQ and the Forest Service, DEQ advised the Forest Service that an amendment to the Order would be required due to the extended timeframe proposed by the Forest Service for Facility replacement and due to the fact that the Forest Service had indicated it did not intend to repair the existing lagoon system. DEQ requested that the Forest Service confirm the proposed dates provided in the correspondence submitted to DEQ on September 30, 2021, or propose revised dates based on any new information, if applicable.
10. On December 20, 2021, DEQ received email correspondence from the Forest Service confirming that the proposed dates provided in the correspondence submitted on September 30, 2021 were accurate based on available information at the time. Due to the proposed Facility replacement, in lieu of repair, and the timeframe associated with same, Amendments to the Appendix A Schedule of Compliance contained within the Order are required.
11. Based on the information available to DEQ to date, the Forest Service is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

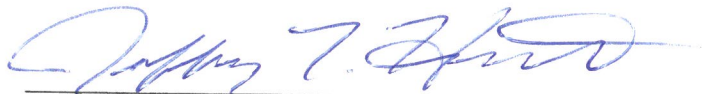
SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.15, the Board orders the United States Department of Agriculture – US Forest Service, and the United States Department of Agriculture – US Forest Service agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the State Water Control Board and the United States Department of Agriculture – US Forest Service understand and agree that this Amendment does not alter, modify or

amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this 5th day of April, 2022.



Jeffrey L. Hurst, Regional Director
Department of Environmental Quality

The United States Department of Agriculture – US Forest Service voluntarily agrees to the issuance of this Order.

Date: 2/2/2022 By: Jay P. Z. FOREST SUPERVISOR
(Person) (Title)
United States Department of Agriculture –
US Forest Service

Commonwealth of Virginia

City/County of ROANOKE

The foregoing document was signed and acknowledged before me this 2nd day of

February, 20 22 by JOBY P. Timm who is

Forest Supervisor of the United States Department of Agriculture – US

Forest Service, on behalf of the agency.

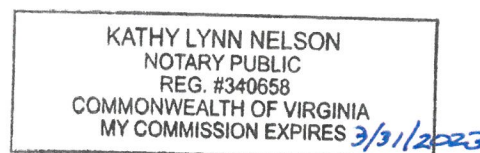
Kathy L. Nelson
Notary Public

340658

Registration No.

My commission expires: 3/31/2023

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

The United States Department of Agriculture – US Forest Service shall:

1. Limit services at the Grindstone Recreation Area to only those not contributing wastewater to the STP and its associated collection system until such time that a new on-site wastewater treatment system has been constructed, properly permitted, and made fully operational.
2. Employ properly certified wastewater treatment operator(s) to oversee all necessary discharges from the existing STP until such time that a new on-site wastewater treatment system has been constructed, properly permitted, and made fully operational.
3. Ensure the existing STP complies with all final effluent limits set forth by the current Permit until such time that a new on-site wastewater treatment system has been constructed, properly permitted, and made fully operational and the existing STP has been properly decommissioned and closed.
4. Complete selection and final design of the new on-site wastewater treatment system and associated collection system, and submit plans and specifications to DEQ for review by December 1, 2022.
5. Complete design of a decommissioning/closure plan for the existing STP and submit to DEQ for review and approval by May 1, 2023.
6. Secure funding for construction of the new on-site wastewater treatment system and associated collection system and for decommissioning/closure of the existing STP, and provide documentation to DEQ verifying funding by September 30, 2023.
7. Issue notice to proceed for construction of the new on-site wastewater treatment system and associated collection system, and provide documentation to DEQ verifying the notice to proceed for construction date by September 30, 2024.
8. Achieve final completion for construction of the new on-site wastewater treatment system and associated collection system, acquire applicable permit(s) and applicable certificate(s) to operate, make system fully operational, provide documentation to DEQ verifying acquisition of permit(s) and certificate(s), and notify DEQ upon placing the system into service by September 30, 2025.
9. Complete decommissioning/closure of the existing STP in accordance with the approved plan, and notify DEQ upon completion by December 31, 2025.

10. Submit quarterly progress reports to DEQ. The reports shall be received no later than the 10th day of the month following the quarter (e.g., the report for the reporting period April 1, 2022 through June 30, 2022 shall be due by July 10, 2022).
11. Unless otherwise specified in this Order, the Forest Service shall submit all requirements of Appendix A of this Order to:

Ruby Scott
Compliance Auditor
VA DEQ - Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210
Phone: (276) 477-9891
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